

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

HAROLD RAY HAYES, JR. #79553

PETITIONER

VS.

CIVIL ACTION NO. 3:23-CV-205-TSL-RPM

BURL CAIN

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Robert P. Myers, and the court, having fully reviewed the report and recommendation entered in this cause on November 7, 2023,, and no objection having been filed and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Robert P. Myers on November 7, 2023, and the same is hereby adopted as the opinion of this court. Accordingly, it is ordered that respondent's motion to dismiss is granted and that the petition for writ of habeas corpus, filed pursuant to § 2254, is hereby dismissed.

It is further ordered that a certificate of appealability is denied. Petitioner has failed to show that "jurists of reason would find it debatable whether [this] court was correct in its

procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 14th day of December, 2023.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE